

Exhibit 5

KAREN RIAPOS - 06/03/2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NANNETTE BASSA,)
)
Plaintiff,)
)
vs.) No. 2:21-CV-007540-MLP
)
BRAND SHARED SERVICES, LLC,)
)
Defendant.)
)

REMOTE VIDEOCONFERENCE DEPOSITION UPON ORAL EXAMINATION
OF
KAREN RIAPOS

Taken via Zoom at: Kennesaw, Georgia

DATE TAKEN: June 3, 2022

REPORTED BY: ELIZABETH PATTERSON HARVEY, RPR, CCR 2731

KAREN RIAPOS – 06/03/2022

<p>2</p> <p>1 A P P E A R A N C E S:</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 Alexander J. Higgins</p> <p>4 alex@alexjhiggins.com</p> <p>5 Law Offices of Alex J. Higgins</p> <p>6 2200 Sixth Avenue Ste 500</p> <p>7 Seattle, Washington 98121</p> <p>8 206.340.4856</p> <p>9</p> <p>10 Cody Fenton-Robertson</p> <p>11 cody@beanlawgroup.com</p> <p>12 Bean Law Group</p> <p>13 2200 Sixth Avenue, Suite 600</p> <p>14 Seattle, Washington 98121</p> <p>15 206.522.0618</p> <p>16</p> <p>17 FOR THE DEFENDANT:</p> <p>18 Emma Kazaryan</p> <p>19 ekazaryan@seyfarth.com</p> <p>20 Seyfarth</p> <p>21 999 Third Avenue</p> <p>22 Suite 4700</p> <p>23 Seattle, Washington 98104</p> <p>24 206.946.4910</p> <p>25</p> <p>15 * * * * *</p>	<p>4</p> <p>1 EXHIBIT INDEX</p> <p>2 EXHIBITS FOR IDENTIFICATION PAGE</p> <p>3</p> <p>4 Exhibit 12 December 8-10, 2020 email chain</p> <p>5 (BRAND00718-722) 91:13</p> <p>6 Exhibit 13 January 5-8, 2021 email chain</p> <p>7 (BRAND000087-089) 96:5</p> <p>8 Exhibit 14 June 4, 2020 email chain</p> <p>9 (BRAND004412) 110:21</p> <p>10 Exhibit 15 March 23 - June 17, 2021 email</p> <p>11 chain (BRAND001436-447) 114:15</p> <p>12 Exhibit 16 June 24, 2020 emails (BRAND004720,</p> <p>13 4697, 4702) 116:21</p> <p>14 Exhibit 17 June 2020 emails (BRAND004523,</p> <p>15 4681) 123:12</p> <p>16 Exhibit 18 June 8 - 16, 2020 email chain</p> <p>17 (BRAND004529-533) 125:21</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>3</p> <p>1 I N D E X</p> <p>2 DEPOSITION OF KAREN RIAPOS</p> <p>3 EXAMINATION INDEX</p> <p>4 EXAMINATION BY: PAGE:</p> <p>5 ATTORNEY HIGGINS: 5:19</p> <p>6 EXHIBIT INDEX</p> <p>7 EXHIBITS FOR IDENTIFICATION PAGE</p> <p>8 Exhibit 1 Defendant's Objections and</p> <p>9 Responses to Plaintiff's First</p> <p>10 Interrogatories and Requests for</p> <p>11 Production 25:10</p> <p>12 Exhibit 2 November 25 - December 11, 2020</p> <p>13 email chain (BRAND001777-778) 41:13</p> <p>14 Exhibit 3 December 13, 2019 email chain</p> <p>15 (BRAND002513-515) 45:16</p> <p>16 Exhibit 4 February 4, 2021 email chain</p> <p>17 (BRAND001586) 49:25</p> <p>18 Exhibit 5 December 4, 2019 email with</p> <p>19 attachment (BRAND002001-2003) 54:14</p> <p>20 Exhibit 6 Draft VINDLY Project Plan</p> <p>21 (BRAND003612-615) 60:6</p> <p>22 Exhibit 7 August 4, 2020 email with</p> <p>23 attachment (BRAND004930-4939) 62:10</p> <p>24 Exhibit 8 August 14, 2020 email with</p> <p>25 attachment (BRAND004986-005003) 72:18</p> <p>26 Exhibit 9 September 21 - 23, 2020 email</p> <p>27 chain (BRAND001637-639) 74:5</p> <p>28 Exhibit 10 July 21, 2020 email</p> <p>29 (BRAND004807-808) 77:20</p> <p>30 Exhibit 11 September 25-28, 2020 email chain</p> <p>31 (BRAND001613-616) 82:19</p>	<p>5</p> <p>1 Kennesaw, Georgia June 3, 2022</p> <p>2 9:00 a.m.</p> <p>3 -o0o-</p> <p>4</p> <p>5 KAREN RIAPOS, witness herein, having been first duly</p> <p>6 sworn on oath, was examined and</p> <p>7 testified as follows:</p> <p>8</p> <p>9 THE CERTIFIED COURT REPORTER: Will</p> <p>10 counsel please stipulate to the validity and agreement to</p> <p>11 the remote proceedings today.</p> <p>12 ATTORNEY HIGGINS: Yes. On behalf of</p> <p>13 plaintiff, Nannette Basa, we stipulate.</p> <p>14 THE CERTIFIED COURT REPORTER: And for</p> <p>15 defendant?</p> <p>16 ATTORNEY KAZARYAN: Yes. On behalf of</p> <p>17 defendant, Brand Shared Services, we stipulate.</p> <p>18</p> <p>19 EXAMINATION</p> <p>20 BY ATTORNEY HIGGINS:</p> <p>21 Q (By Attorney Higgins) Ms. Riapos, how do you</p> <p>22 pronounce your last name?</p> <p>23 A Riapos.</p> <p>24 Q Ms. Riapos. Okay. Thank you for that.</p> <p>25 My name is Alex Higgins. I represent Nannette</p>

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<p style="text-align: right;">10</p> <p>1 Q Do you have any understanding as to how they</p> <p>2 would have searched your phone for text messages?</p> <p>3 A No, I don't.</p> <p>4 Q Okay. And other than conversations you've had</p> <p>5 with your attorney, what is the basis for your</p> <p>6 understanding that IT may have searched your phone?</p> <p>7 A It was just more of an assumption.</p> <p>8 Q Okay. So you don't have any specific memory of</p> <p>9 your phone being searched?</p> <p>10 A No. No, I don't.</p> <p>11 Q All right. So I assume you've never given over</p> <p>12 possession of your phone to anyone?</p> <p>13 A No, I haven't.</p> <p>14 Q And you haven't given your iCloud password to</p> <p>15 anyone?</p> <p>16 A No.</p> <p>17 Q Okay. All right. Do you know whether you have</p> <p>18 messages, for instance, text messages between you and</p> <p>19 Nannette Basa on your phone?</p> <p>20 A I don't, no. I don't know.</p> <p>21 Q And you've never looked personally for that?</p> <p>22 A I have not, no.</p> <p>23 Q All right. Let's talk about your work history.</p> <p>24 You've been working at BrandSafway -- excuse</p> <p>25 me. I sometimes will say Safway. Is that okay?</p>	<p style="text-align: right;">12</p> <p>1 Logistics, Inc., HD Supply, Inc., and Sun Trust Bank."</p> <p>2 Are those all part of your work history?</p> <p>3 A Yes, they are.</p> <p>4 Q And were they all talent acquisition or</p> <p>5 recruiting positions?</p> <p>6 A Yes, they were.</p> <p>7 Q Do you sometimes call talent acquisition</p> <p>8 "recruiting?"</p> <p>9 A Yeah. Yes.</p> <p>10 Q Okay. And then it says you have a bachelor's</p> <p>11 degree in communication studies from the University of</p> <p>12 Rhode Island; is that true?</p> <p>13 A Yes.</p> <p>14 Q And what year did you obtain that?</p> <p>15 I'm not interviewing you for a job, so I can --</p> <p>16 A Yeah. No, no, no, I know. I'm trying to</p> <p>17 think. 1997, I believe, was when I finished.</p> <p>18 Q And he also writes about you that you have a</p> <p>19 senior professional in human resources certificate from</p> <p>20 the Human Resources Certification Institute.</p> <p>21 I'm not sure if that's quite right, but could</p> <p>22 you clarify what that is.</p> <p>23 A Yeah. So it's a SPHR certification, which has</p> <p>24 since expired.</p> <p>25 Q Oh, when did you obtain it?</p>
<p style="text-align: right;">11</p> <p>1 A That's fine. Yes.</p> <p>2 Q You started at BrandSafway in December of 2019,</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q And you started as the director of talent</p> <p>6 acquisition, right?</p> <p>7 A Yes.</p> <p>8 Q And what is that job?</p> <p>9 A I lead the talent acquisition for corporate</p> <p>10 functions for North America, so all the recruiting for</p> <p>11 our corporate and functional roles.</p> <p>12 Q Okay. Do you have a job description?</p> <p>13 A I don't think we do, no.</p> <p>14 Q Okay. Your work history is described in an</p> <p>15 email from Rod Broschinsky back in December of 2019. I</p> <p>16 don't need to show it to you, but I'm going to read you</p> <p>17 portions of it, if you see me looking down at a paper.</p> <p>18 A Okay.</p> <p>19 Q It says, "Karen has over 20 years of talent</p> <p>20 acquisition HR management experience. Most recently</p> <p>21 Karen held a senior management position in talent</p> <p>22 acquisition at Keurig Dr. Pepper."</p> <p>23 Is that true? Was that your previous job?</p> <p>24 A Yes, it was. Yes.</p> <p>25 Q Okay. And it says, "She also worked for XPO</p>	<p style="text-align: right;">13</p> <p>1 A Back in mid-2000's, I think. I don't remember.</p> <p>2 Q Sometime after the year 2000?</p> <p>3 A Yes.</p> <p>4 Q Okay. And why does it expire?</p> <p>5 Do you have to do continuing credits or</p> <p>6 something?</p> <p>7 A Yes, you have to do continuing credits.</p> <p>8 Q And why did you stop doing continuing credits?</p> <p>9 A I just got very busy with work and life, so.</p> <p>10 Q Okay. And in terms of getting the SPHR</p> <p>11 certification, you have to take a series of courses,</p> <p>12 correct?</p> <p>13 A That's correct.</p> <p>14 Q And do any of your courses touch on employment</p> <p>15 discrimination?</p> <p>16 A Yes, they did.</p> <p>17 Q All right. And how many hours do you think you</p> <p>18 spent learning about employment discrimination?</p> <p>19 A I don't remember.</p> <p>20 Q Was it more than five?</p> <p>21 A I don't remember.</p> <p>22 Q Okay. Did any of your courses touch on</p> <p>23 documenting employment decisions, how to document, why to</p> <p>24 document, those kinds of things?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">14</p> <p>1 Q And what did you generally learn about 2 documentation of employment decisions through your 3 courses? 4 A That you should document. I try to follow up, 5 you know, after conversations with emails or, you know -- 6 yeah, I mean, just general documentation. 7 Q Okay. What about a hiring decision, keeping 8 notes of the interviews and why you selected somebody? 9 Did you learn anything about that in your 10 courses? 11 A Not so much in the courses, but just over my 12 career, yes. 13 Q And do you think that's important to create 14 documentation of a hiring decision? 15 A Yes. 16 Q Why? 17 A So you can go back years later and review that. 18 Q And why might you need to review that? 19 A For a situation like this. 20 Q Okay. I understand. All right. 21 So when you joined BrandSafway, Nannette Basa 22 was already working there, correct? 23 A Yes. 24 Q And she was a recruiting manager; is that 25 correct?</p>	<p style="text-align: right;">16</p> <p>1 Q All right. Did he say anything about her? 2 A Yeah. He let me know that we were probably 3 going to end her contract at the end of the year. 4 Q Did he say why? 5 A He just didn't think she was a good fit for the 6 organization. 7 Q What did he say about Nannette in terms of what 8 she did well, for example? 9 Let's start with that, what she did well. 10 A He said she, you know, had good experience with 11 recruiting and had gone ahead and implemented VNDLY, 12 which was our vendor management system. 13 Q Okay. Did he mention to you whether that had 14 resulted in cost savings? 15 A I believe so, yes. 16 Q Did he mention how much it had resulted in cost 17 savings? 18 A No, I don't remember. 19 Q Okay. And what did he say that she needed to 20 improve on? 21 A It was also around VNDLY and the 22 implementation. There had been some feedback that it 23 hadn't been implemented the most efficient way. 24 Q So did you ask somebody else to take over 25 implementation of VNDLY?</p>
<p style="text-align: right;">15</p> <p>1 A Yes. 2 Q Do you know if she had a job description? 3 A I don't remember. I don't believe so, but I 4 don't remember. 5 Q Did you review her personnel file? 6 A No. 7 Q You became her direct manager, correct? 8 A I did, yes. 9 Q Did you discuss her performance with Rod 10 Broschinsky when you came on? 11 A Rod -- he just gave me background of the team, 12 so, yeah, like what their -- what their responsibilities 13 were. 14 Q Did he comment at all about her performance one 15 way or the other? 16 A Yeah, I mean, he said there were things that 17 she did well and things she needed to improve on. Just 18 general comments. 19 Q Were there other people he sort of debriefed 20 you on besides Nannette? 21 A Yeah. We had another person on our team -- and 22 I cannot remember her name at the time -- but she was a 23 contract recruiter. 24 Q Was her name Mary Ann Goulding? 25 A Yes.</p>	<p style="text-align: right;">17</p> <p>1 A No, we decided that we would do a 2 reimplementation. 3 Q And who was in charge of that reimplementation? 4 A Nannette was. 5 Q And how did that go, overall? 6 A Overall, not great. 7 Q Okay. And what do you mean by "not great"? 8 A Well, the processes were all very manual. And 9 we really wanted to reimplement with more automated 10 processes within the system. 11 Q And was that something that you think Nannette 12 should have done better? 13 A Yes. 14 Q Did you tell her that? 15 A Yes. 16 Q When did you first tell her that? 17 A I think when we first started looking at 18 reimplementing, so maybe the beginning of 2020. 19 Q Did you give her any written feedback or 20 direction on that? 21 A I don't remember. 22 Q Did you give her any written performance 23 evaluations or reviews? 24 A I did not, no. 25 Q Do you remember what she said when you told her</p>

Exhibit 6

MICHELLE ROMAN - 09/07/2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NANNETTE BASA,)
)
Plaintiff,)
)
vs.) No. 2:21-cv-00754-MLP
)
BRAND SHARED SERVICES, LLC,)
)
Defendant.)
_____)

ORAL VIDEO DEPOSITION OF MICHELLE ROMAN
WEDNESDAY, SEPTEMBER 7, 2022

THE ORAL VIDEO DEPOSITION OF MICHELLE ROMAN,
produced as a witness at the instance of the Plaintiff,
was taken in the above-styled and -numbered cause on the
7th day of September, 2022, from 9:01 a.m. to 11:36 a.m.
Pacific Time. The court reporter was Nor Monroe,
Certified Court Reporter for the State of Washington.
All participants appeared via Zoom videoconference.

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MICHELLE ROMAN - 09/07/2022

<p style="text-align: right;">82</p> <p>1 MS. MCFARLAND: -- I was just gonna object to</p> <p>2 the extent it calls for third-party prive- -- it seeks</p> <p>3 to evade third-party-privacy rights.</p> <p>4 Q. (BY MR. HIGGINS) Yeah, you can -- you can</p> <p>5 give me their initials. I don't care really. Just --</p> <p>6 why don't you give me their initials for the record.</p> <p>7 A. C. R.</p> <p>8 Q. Okay. So T. R. [sic] was in what job?</p> <p>9 A. Coordinator role. HR coordinator role.</p> <p>10 Q. And how did you determine that T. R. should</p> <p>11 be let go and --</p> <p>12 (Simultaneous talking.)</p> <p>13 A. -- C. R. S- -- C as in Charles.</p> <p>14 Q. Oh, C. C. R. Thank you.</p> <p>15 -- C. R. should be let go and others should be</p> <p>16 retained? What did you -- what did you look at with</p> <p>17 regard to that particular person?</p> <p>18 A. A scope of responsibility was the first thing;</p> <p>19 what she was performing, the work that that person was</p> <p>20 performing, compared to the other team members.</p> <p>21 Q. And -- and what was that scope?</p> <p>22 A. Coordinator work.</p> <p>23 Q. And that's . . . I assume fairly low on the --</p> <p>24 the hierarchy? I mean, I don't mean to offend</p> <p>25 coordinators, but it's the -- it's the entry-level</p>	<p style="text-align: right;">84</p> <p>1 came to mind, or did you think, "Well, is it this person</p> <p>2 or should I --"</p> <p>3 (Simultaneous talking.)</p> <p>4 A. Well, I look at the work groups. I look at</p> <p>5 the work groups. And so the coordinators were one work</p> <p>6 group on my team. And then I looked at, you know, who</p> <p>7 else I had on my team, and they were all performing</p> <p>8 different work. And so I started with the work groups</p> <p>9 and the work functions, and then I worked my way</p> <p>10 through.</p> <p>11 Q. Mm-hmm. And -- and as far as you recall, you</p> <p>12 didn't take notes of that decision-making process?</p> <p>13 A. I don't recall.</p> <p>14 Q. Did you check in with anybody else about that</p> <p>15 decision-making process to sort of do a reality check;</p> <p>16 just sort of bounce off of someone else?</p> <p>17 A. I don't recall.</p> <p>18 Q. Who had to approve the -- the nay- -- when you</p> <p>19 submitted the name of the person you wanted to lay off,</p> <p>20 who did you submit it to for approval?</p> <p>21 A. It would have been submitted to legal.</p> <p>22 Q. And which person in legal?</p> <p>23 A. Theresa McDaniel.</p> <p>24 Q. And did . . . did anyone else ultimately have</p> <p>25 to sign off on it?</p>
<p style="text-align: right;">83</p> <p>1 position; correct?</p> <p>2 A. It's -- yeah, it's -- it's an enter- -- yeah,</p> <p>3 it's -- it's an entry-level HR role, correct.</p> <p>4 Q. And so her scope was pretty limited?</p> <p>5 A. The work being performed, yes, we -- I looked</p> <p>6 at the work that was being performed and whether that</p> <p>7 work could just be done by others on the team, and yes.</p> <p>8 Q. And were there other coordinators who you</p> <p>9 retained?</p> <p>10 A. There was one other person with that title,</p> <p>11 yes.</p> <p>12 Q. And did that person assume all of the</p> <p>13 responsibilities of the other coordinator?</p> <p>14 A. Not all of 'em.</p> <p>15 Q. And what happened to the other</p> <p>16 responsibilities for the -- for C. R.?</p> <p>17 A. They got disseminated across the team.</p> <p>18 Everybody took a piece -- you know, some of the</p> <p>19 responsibilities on.</p> <p>20 Q. Did you think about selecting somebody else</p> <p>21 for layoff? Was it -- you know, was there another</p> <p>22 candidate in your mind?</p> <p>23 A. You're talking about my team?</p> <p>24 Q. Yeah, on your team did you think about -- was</p> <p>25 it just so obvious that was the only person that ever</p>	<p style="text-align: right;">85</p> <p>1 MS. MCFARLAND: Objection [indiscernible]</p> <p>2 calls for speculation.</p> <p>3 Q. (BY MR. HIGGINS) Well, did anyone have to</p> <p>4 approve the layoff decision, such as Meg Newman?</p> <p>5 MS. MCFARLAND: Objection: Calls for</p> <p>6 speculation.</p> <p>7 Q. (BY MR. HIGGINS) Did you have to get Meg --</p> <p>8 (Simultaneous talking.)</p> <p>9 MS. MCFARLAND: -- answer --</p> <p>10 Q. (BY MR. HIGGINS) -- Newman's --</p> <p>11 D- -- no, no, don't answer.</p> <p>12 Did you get Meg Newman's approval for the --</p> <p>13 the layoff decision?</p> <p>14 A. Yes.</p> <p>15 Q. Did she ask you any questions about why you</p> <p>16 picked that particular candidate?</p> <p>17 A. Yes, that would have been part of our ordinary</p> <p>18 discussion on that type of a topic, yes.</p> <p>19 Q. Do you know -- do you remember if she asked</p> <p>20 you any questions?</p> <p>21 A. She asked me, you know, to explain to her the</p> <p>22 decision process I had used and why that individual had</p> <p>23 been selected, yes.</p> <p>24 Q. And did -- did you tell her basically what you</p> <p>25 told me here today?</p>